

REMARKS

In response to the objection, Applicants submit herewith corrected drawings to include the description of the respective block elements in Fig. 8 previously deleted in the Amendment filed December 2, 2003.

Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,568,281 to Sato et al.

Applicants respond as follows.

U.S. Patent 6,568,281 was issued May 27, 2003, subsequent to Applicants' February 19, 2002 U.S. filing date, and therefore is not available as prior art under § 102(b). Also, because the inventorship identity is identical (i.e., U.S. Patent 6,568,281 to Sato et al. is not by another), the cited reference is also not available as prior art under § 102(e) or under any other subsection of § 102.

Thus, U.S. Patent 6,568,281 to Sato et al. is not prior art against the present claims, and withdrawal of the foregoing rejection under 35 U.S.C. § 102(e) is respectfully requested.

Applicants further comment as follows.

U.S. Patent 6,568,281 claims foreign priority from Japanese Patent Application No. 11-229776 filed August 16, 1999 and Japanese Patent Application No. 2000-186379 filed June 21, 2000. Japanese Patent Application No. 2000-186379 was published on May 11, 2001 as laid-open Japanese Patent Application Publication ("Kokai") JP 2001-124745 A, less than one year prior to the February 19, 2002 U.S. filing date of the present application. Therefore, JP 2001-124745 A is not available as prior art under § 102(b). Also, because the inventorship identity of

JP 2001-124745 A and that of the present application is identical, JP 2001-124745 A is also not available as prior art under § 102(a).

An English language Abstract of JP 2001-124745 A confirming the publication date and inventorship is attached hereto for the Examiner's convenience.

Japanese Patent Application No. 11-229776 was never published in Japan.

That is, neither U.S. Patent 6,568,281 or its laid-open priority application are prior art against the present claims, and withdrawal of the foregoing rejection under 35 U.S.C. § 102(e) is respectfully requested.

To the extent that the present claims may be obvious over the claims of U.S. Patent 6,568,281, the Assignee submits concurrently herewith a Terminal Disclaimer disclaiming the terminal part of any patent granted on the above-identified Application No. 10/076,423 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,568,281.

Withdrawal of all rejections and allowance of claims 1-9 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/076,423

Q68513

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 7, 2004

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/076,423

Q68513

AMENDMENTS TO THE DRAWINGS

A replacement sheet for Fig. 8 is submitted herewith. Fig. 8 is amended to restore the description of the various elements as requested by the Examiner. No new matter is added.

Attachment: Annotated Marked-Up Drawing: Fig. 8
Replacement Sheets: Figs. 1-9 including corrected Fig. 8

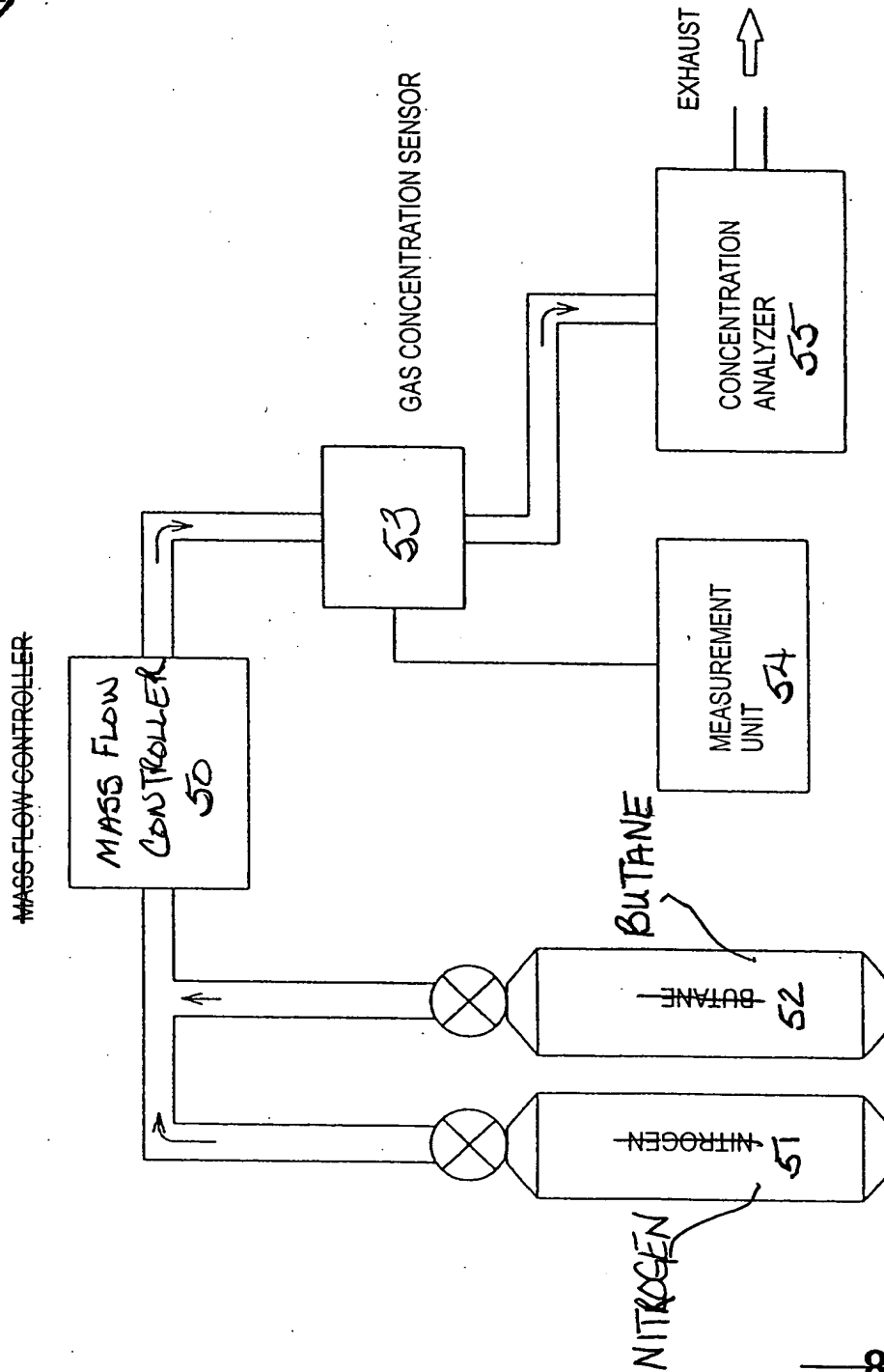
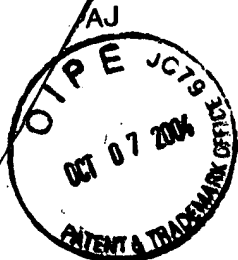


Fig. 8



PATENT ABSTRACTS OF JAPAN

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(51)Int.Cl.

G01N 29/18
G01F 1/34
G01L 11/04
G01N 29/02

(21)Application number : 2000-186379

(71)Applicant : NGK SPARK PLUG CO LTD

(22)Date of filing : 21.06.2000

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TOMONO KEIGO
ISHIKAWA HIDEKI
ISHIDA NOBORU
OSHIMA TAKAFUMI

(30)Priority

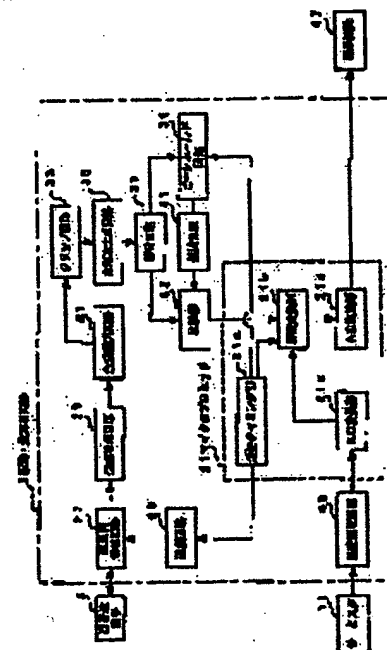
Priority number : 11229776 Priority date : 16.08.1999 Priority country : JP

(54) MEASURING METHOD FOR PROPAGATION TIME OF ULTRASONIC WAVES, MEASURING METHOD FOR PRESSURE OF GAS, MEASURING METHOD FOR FLOW RATE OF GAS AND GAS SENSOR

(57)Abstract:

PROBLEM TO BE SOLVED: To provide a measuring method, for the propagation time of ultrasonic waves, in which the precise propagation time of the ultrasonic waves can be recognized and to provide a measuring method for the pressure of a gas, a measuring method for the flow rate of the gas and a gas sensor.

SOLUTION: Received waves which are transmitted by an ultrasonic element 5 so as to be received are shaped, they are integrated by an integrating circuit 67, and a peak value is held by a peak hold circuit 39. When the concentration of a gas is to be detected, a judgment value is set by a resistance voltage-dividing circuit 41, and the time in which a comparator 43 judges that the integrated value of the received waves reaches its set value is regarded as the arrival time. Then, on the basis of a period up to the arrival time from the transmitting time, the concentration of the gas is detected. When the pressure and the flow rate of the gas are to be detected, the pressure of the gas is detected on the basis of the peak value. In addition, the flow rate of the gas is calculated on the basis of the pressure of the gas.



LEGAL STATUS

[Date of request for examination]

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number]

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